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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,485	10/16/2003	David Bradley Rust	45098.00007.CON1	2165

36183 7590 06/20/2006

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EXAMINER

MEKY, MOUSTAFA M

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 06/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/688,485

Applicant(s)

RUST, DAVID BRADLEY

Examiner

Moustafa M. Meky

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-5 and 8-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-5, 8-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The amendment filed 4/21/2006 has been entered and considered by the examiner.

2. Claims 2-5, and 8-28 are presenting for examination.

3. Claims 5, 16-20, and 25-28 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 5 states that **the first and control site computers are the same computers** (it appears throughout the spec. that the first and the control site computers are separate computers), claims 16 & 25 state that **composing a URL for an image related to a selected region on the computer's display** (it appears throughout the spec. that composing a URL is implemented by the **control server** related to selected region on **presenter computer** i.e. composing the URL is done in one computer and selected region on another computer display) [claim 17 supports the examiner's position in which the selected region is on a first computer's display]. These limitations are not fully supportive in the specification

Therefore, it can be seen from the above discussion that claims 5, 16-20, and 25-28 are rejected under 35 U.S.C 112, first paragraph.

4. Claim 18 recites the limitation "the first computer, second computer and control site computer" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

5. Claim 20 recites the limitation "the received image" in line 1. There is insufficient antecedent basis for this limitation in the claim.

6. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

7. Claims 2-5, and 8-28 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-16 of U.S. Patent No. 6,668,273.

Although the conflicting claims are not identical, they are not patentably distinct from each other because the patent 273 teaches substantially the claimed limitations.

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2-5, and 8-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salesky (US Pat. No. 6,343,313) in view of Mayle (US Pat. No. 6,542,936).

10. As to claim 2, Salesky shows in Fig 1, a method for collaborative web browsing by a first computer 12 with a first display and other computer 18(a) with a second display, through a control site computer 14, wherein the first computer 12, the control site computer 14 and the other computer 18(a) are coupled together through a computer network 16 (data communication means), the method of Salesky comprising the steps of:

- Receiving an image relating to selected region (such as a screen display, see col 10, lines 46-50) on the first display of the first computer 12, see col 2, lines 29-36, col 10, lines 46-50, lines 62-63;
- Receiving a request from the other computer 18(a), see col 2, lines 39-41; and
- transmitting the image to the other computer 18(a) through the control computer 14, see col 2, lines 42-43, col 7, lines 27-29, col 19, lines 5-6.

Salesky does not teach composing a URL for each received image to be a part of a request in order to transmit the image in response to the request. However, Mayle teaches composing a URL for each received image to be a part of a request in order to transmit the image in response to the request, see col 13, lines 17-27. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Mayle with the system of Salesky in order to enable the user of the other computer to view a particular

image among a plurality of images reside in the control computer (each URL corresponds to a particular image)..

11. As to claims 3-4, Salesky shows that the data communication means 16 is a computer data network (the Internet), see col 7, lines 1-4, col 9, lines 1-4.

12. As to claim 5, Salesky shows that the first computer 12 and control computers 14 are the same computer, see col 9, lines 45-46.

13. As to claims 8-9, Salesky shows selecting a region on the display of the first computer 12 comprises pressing a combination of keys on the keyboard and/or defining a border rectangle with a pointing device, see col 10, lines 46-54.

14. As to claim 10, Salesky shows selecting a region by selecting a current executing program, see col 10, lines 55-57

15. As to claim 11, Salesky shows that the first computer 12 automatically retransmits an updated image of the region to the control computer 14, see col 9, lines 58-59, and col 15, lines 36-40.

16. As to claims 12-28, the claims are similar in scope to claims 2-5 & 8-11, and they are rejected under the same rationale.

Therefore, it can be seen from paragraphs 10-16 that the combination of Salesky and Mayle teaches the limitations of claims 2-5 & 8-28.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Moustafa M Meky whose telephone number is 571-272-4005.


The examiner can normally be reached on flex.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MMM
6/7/2006


MOUSTAFAM. MEKY
PRIMARY EXAMINER